THE BONDS NOT VALID CIRCUIT COURT OF APPEALS DE-CIDES NORTH CAROLINA CASES.

THE COUNTY AND TOWN WIN.

Neither the Bonds Issued by Stanly County for the Yadkin Valley Nor by Town of Oxford to Oxford and Coast Line Are Legal Obligations.

Judge Goff has recently filed in the Snited States Circuit Court of Appeals nere opinions in two North Carolina declaring bonds issued, in one case by a county and in the other by a town, toward the building of railroads to be invalid, because the tegislative acts under which the subscriptions were voted were not constitutional.

The decisions are far-reaching in their effects, and of great importance. One avolves \$100,000 of bonds, issued by the oard of Commissioners of Stanly countoward the construction of the yadkin Valley railroad, and the other construction of the construction of the conford and Const-Line railroad. The decision in the latter case entails a considerable loss upon the Union Bank of

The Stanly County Case.

The case of the Board of Supervisors of Stanly county, N. C., et, als, appellants, vs. W. N. Cofer & Co., appellees, was an appeal from the Circuit Court of the United States for the Western District of North Carolina, at Charlotte. The case was argued here in February before Judges Goff, Morris, and Brawley. The Yadkin Valley Hailroad Company was chartered by the Legislature of North Carolina in 1879, and the charter amended in 1887. By virtue of the provisions of the amended act. Stanly, a whended in 1886. By virtue of the payments of the amended act. Stanly, a county of North Carolina, was authorized to subscribe to the capital stock of the raffroad, and the question being submitted to a vote of the people of that county, a subscription of \$100,000 was er-The commissioners of the county bonds to the amount of \$100,000 of the bonds, on its face, recites that it is one of a series insued by authority of an act of the Assembly of North Carolina, ratified March 2, 1837, and of sections 1896, 1997, 1898, and 1899, of the Code of North Carolina, and authorized by a majority vote of the qualified voters of Stanly county, at an election regularly held for that purpose August 15, 1889, and issued to pay the subscription made by that county to the capital stock of the Yadkin Railroad Company. For four successive years after these bonds were issued a tax was regularly levied and collected for the purpose of paying the interest due on them, and the coupons representing the same were duly paid. The tax for the fifth year was also levied and collected. STOPPED PAYING THE INTEREST

Then the commissioners of said county (certain tax-payers joining with them) instituted proceedings in the Superior Court of that county against the Trea-surer of the same, the object of which was to prevent the application of the mosey in the hands of that official, coilected for the purpose of paying the in-terest on said bonds, from being so ap-piled, and also to have the bonds decreed valid. The contention of the plainting that suit was that all of the bonds and such claim they alleged that neither of the acts of the assembly referred to-the errof in 1887, under which the subthat neither of said acts, in fact, passed three separate readings in the House of Representatives of said State on three different days; and, also, because that the and nays, if taken at all, were not en-tered upon the journal of the said house

upon any of the readings of said bills.

The Superior Court of Stanly county
in the final hearing of such suit, decreed that the bonds were invalid, and made permanent an injunction by which said permanent an injunction by which are freezeurer was inhibited from paying the interest then due on them. Subsequently, on appeal, the Supreme Court of North Carolina affirmed this ruling. Commission of North Carolina affirmed this ruling. rs et al. vs. Snuggs, 121 N. C., 394; 28

CLAIMS OF BONDHOLDERS. The complainants below, appellees here, ettizens and residents of the Stata of New York, and the owners and holders of a large number of such bonds, amounting to over \$60,000 face value, which they had purchased in open market for value before maturity, being imable to collect the interest then due on the same althe interest then due on the same, although a tax had been levied and coljected for that purpose, instituted this Btates for the Western District of North States for the Western District of North Parolina against the Board of Commis-Jioners of said county, and such Trea-jurer, for the purpose of securing such anyment, and to prevent such Treasurer from using the taxes so in his hands for any other purpose than that for which it was collected. Complainants below alleged that they so purchased the bonds in good faith, and without any notice, expressed or implied, that they were otherwise than legal and valid; that the interest then due them and unpaid interest then due them and unpaid impunted to \$5,870; that although the said ommissioners had made such levy, and the same had been collected and was been in the hands of their Treasurer, that be refused to pay such interest; that as haid tax hai been collected for the sole purpose of paying that interest, that the Preasurer was in fact a trustee, holding the same for the use of and in trust for the complainants; that said commission-rs, with others, had instituted such suit in the Superior Court of Stanly county igainst their Treasurer, but that com-plainants were not, nor was any other of the bondholders, made a party to such puit, and that, therefore, they were not bound by the decree entered therein; the prayer of the bill was for an accounting. turer from paying out or using said fund

LOWER COURT'S DECISION. by the Supreme Court of that State, and, ecceiver for hearing on a day mentioned. The defendants below answered said bill, controversy, we take the construction of



Makes the food more delicious and wholesome

that court as the ruling to be followed by us at this time. "The decree appealed from is reversed.

and this cause is remanded with dire-

tions to dissolve the injunction, discharge

The decision in the case of the Board of Commissioners of Oxford, N. C.; J. C. Biggs, Mayor et als., plaintiffs in error.

vs. Union Bank of Richmond, Va., de-fendant in error, is based upon the same

grounds as that in the Stanly county case

This cause came up on an appeal from the Circuit Court of the United States for

the Eastern District of North Carolina, at

Raleigh. This action was originally brought by the Union Bank of Rienmond

recover the amount claimed by the plain-

tiff to be due from the defendant for in-

the plaintiff the sum due it. The General Assembly of North Caro-

lina, in 1891, chartered the Oxford and Coast-Line Railroad Company, and the next year the town of Oxford voted a

subscription of \$40,000 to aid in the con-struction of the road, and bonds to that

Amount were ordered to be issued. In February, 1892, a contract was made with James T. Pruden to build the road

from Dickerson's Station, on the Durham and Northern, to the town of Oxford,

but in May the Board of Commissioners

with the approval of the Mayor, declined to issue the bends. In July the railroad

company and Pruden united in instituting mandamus proceedings in the Superior Court of Granville county to compel the board to issue the bonds. Pending the controversy an agreement of compromise

was entered into under which the town

was to issue \$20,000 of bonds, which should

purport on their face to be issued under and in pursuance of said chapter 315.

laws of 1891, and chapter 21 of the private laws of 1895, and the election held April 27, 1891, as also under the said

agreement of compromise, which was to

be entered in said suit as the judgment of the Superior Court of Granville county,

with the assent of all the parties there-to. The bonds were issued August 1, 1882,

DID NOT PAY INTEREST.

The plaintiff below (Union Bank), on the 12th day of September, 1892, purchased

in good faith, in the usual course of busi-ness, sixteen of said bonds, paying for each the sum of \$675, the plaintiff having

no other notice than such as the law implies, and as is contained on their face

turing May 1, 1883, were paid by defend-

ant belows when the same were present-

crest due on the bonds held by the plaintiff when this suit was instituted, amounting to \$4,20, were duly presented

at majurity for payment, and payment was refused. The Oxford and Coast-Line

ailroad has not as yet been completed.

The plaintiff below, before it instituted

st due on seid bonds. During the second trial in the Superior

judgment in favor of the plain-

the defendants, commanding them to levy sufficient taxes to pay said judgment and

the cost of this litigation. Thereupon the said defendants applied for and were awarded the writ of error now disposed

OPINION OF THE COURT.

The Supreme Court of North Carolina

has passed upon the identical questions and facts involved in this controversy; it has construed both the Constitution of that State and the legislation of the

ame relating to the bonds in sult, and has decreed the absolute want of au-

orlty in the Board of Commissioners

thority in the Board of Commissioners of the town of Oxford to issue said bonds. Our views concur with the debision of that court in the particulars mentioned, but independent of that, the construction by that court of the Constitution and laws of that Sinte would, under the

circumstances of this case, be followed

The defendant in error insists that the

The detendant in error insists that the judgment, by consent, entered in the sult instituted by the railroad company in the Superior Court of Granville county, against the plaintiff in error, binds the latter to a compliance with the terms

sued thereunder. This claim is without merit, and is, we think, the result of a misconception of the effect of the compromise that was effectuated by the judgment referred to. The town had no legal right to donate the bonds to he

railroad company, nor had it the power to issue them in order to secure the com-

promise, unless such power, was expressly granted by legislative enactment, and that such was the understanding at the time, between the parties to the controversy is shown by the reference, both in the judgment and on the face of the

bonds, to the act of the assembly under which the authority to issue them was

claimed. The railroad company insisted that the town should issue to it bonds to

the amount of \$40,000, by virtue of the action taken under the legislation referred

to, and the town, while not admitting its

liability to that amount, offered to adjust

the legislation involved was not in issue,

and if that legislation was invalid when the compromise was entered into, the

rendition of the judgment based thereon did not make it valid. If the town had

thereof, and renders valid the bonds

length, and says:

Such suit was a petition for a mar

cerning such bonds. The coupons ma-

each for \$1,000.

and dismiss the bil

enying the material allegations thereof, claiming that the bonds so held by complainants were not only void-but absolutely void, for the reasons ict forth in the bill that had been so fied in the Superior Court of Stanly county. The case was duly matured, and the court below, having considered the same, entered a decree sustaining the validity of the bonds, granting the in-junction as prayed for, and appointing a ceiver to take charge of the money o in the hands of said treasurer. From its decree the defendants below sued

NOT VALID OBLIGATIONS. The opinion of the Circuit Court of Apeals is a long and interesting one. It save in parti-

"The first question raised by the assignments of error is as to the validity or constitutionality of the legislation under which the bonds claimed by the appelleds were issued. In the case of Commissioners of Stank Commissioners of Stanly County vs. Snuggs, supra, the Supreme Court of North Carolina held that the bonds issued, under the legislation mentioned, were not the valid obli-gations of that county. The reasons given by that court in support of said decision were that the journals of the two houses of the General Assembly of that State, for the sessions thereof, when chapter 236 of the Acts of North Caro-lina, 1870-71, and chapter 183 of the acts of that State for the year 1887, were pass-ed, did not show affirmatively that the yeas and nays, on the second and third readings of the bill, had been entered upon said journals, as required by the Constitution of that State; and also that the Code of North Carolina, section 1996, authorizing county commissioners to subscribe stock to a railroad company, when necessary to aid in the completion of a rafiroad, did not include a railroad not begun to be built before the Constitution of that State was adopted; and said Supreme Court also held that it was combeen duly enrolled, and approved by the presiding officers of said houses, was not in fact passed in the manner required by the Consti-tution of that State, and that where the ournals of the General Ascembly show that a law, authorizing a county to issue manner required by the Constitution, the purchasers of the bonds were chargable with notice of such fact. * * * The people of the State of North Carolina, in their Constitution, have expressly limited axation, and pointed out the certain in dispensable prerequisites that must no only exist as a fact, but also appear on he journals of that Legislature in a ertain way. The Constitution thus in words clearly indicates the and the only way, that the Legislature can authorize the counties and the cities of the State to exercise the power of taxation. The entry of the year and ays, on the last two readings, must ap pear on the journal in order to com-ply with the requirements of the Consti-tution, and unless they do so appear the bill has not become a law, and the evidence of its nullity is the journal proded by that Constitution itself."

AUTHORITY OF THE CODE. The appellate court quotes freely from the opinion of the Supreme Court of North Carolina in Commissioners, &c., vs. Snuggs, supra, and continues:

"The complainants below insisted that, even if the court should hold that the acts referred to were not passed according to the requirements of the Constitu tion of North Carolina, and that they were, therefore, void, yet that still the bonds so issued were valid nevertheless for the reason that the commissioners of same under the authority of sections 1895, 1897, 1899, and 2000 of the Code of that State; and that, as all the sections of said yeas and mays were not taken in said house upon any reading of either of said three several times in each house of the acts, and for the reason that the yeas General Assembly, and by having passed three several readings on three differen days in either house, and by having the ayes and mays on the second and thire readings entered in the respective jour nals, the action so taken under the pro-visions of said sections was jegul and the bonds so issued were valid. The court below so held, and the remaining assignments of error relate thereto."

"The questions raised by this appeal and the legislation involved with the same, have been directly considered by the Supreme Court of the State of North Carolina, and the decisions of that court Carolina, and the decisions of that court have been against the contention of the compalamants below—Union Bank of Richmond vs. Commissioners of Town of Oxford, 119 N. C., 214, 25 S. E., 595; Board of Commissioners of Stanly County et. al., vs. Snuggs, County Treasurer, 121 N. C., 394, 25 S. E., 593; City of Charlotte vs. Shephard, 120 N. C., 411, 27 S. E., 109; Rodman vs. Town of Washington, 122 N. C., 39, 30 S. E., 115; Board of Commissioners of Wilkes County vs. Call et. al., 31 S. E., 481, in which/case it was also 1 S. E., 481, in which/case it was also deld that sections 1995-2000 of the Code of North Carolina, 'authorizing county commissioners to subscribe stock to a railroad company when necessary to aid in the completion o fa railroad, do not include a railroad not commenced before the Constitution of 1858 was adopted."

With these decisions of the Supreme Court of North Carolina we are in full accord. If we had reached a different conclusion, nevertheless, would not the

determination of the court of last resort in North Carolina, upon the questions involved herein, relating, as they do, to the Constitution of that State, and to the validity of certain acts of its General Assembly and their construction, be respected by this court. Indeed, are we not bound by them?

THE BILL DISMISSED.

After quoting many decisions bearing on this subject, the court concludes: "The court below held that the legis-lation relating to the Yadkin Railroad Company, under which the election au-thorizing the bonds to be issued was held was invalid, because the requirements of the Constitution of North Carolina as to entering the year and nays on journal, were not complied with. In this we agree with that court. But it also held that under sections 1995-2000 of the Code of North Carolina, the County Commis sioners had the power to subscribe fo the settlement of said interest cou-and for further and general relief. I fact that the proposed railroad had not I then been begun, and though the citizens court below, on reading the veri-il and exhibits filed herewith, grant-in it. This ruling of the court below is restraining order in substance as opposed to the construction put upon | ded for, and set the application for those sections of the North Carolina Code | Carolina, under which it is claimed that its inhabitants are liable to taxation—Marsh vs. Fulton County, 10 Wall., 676; South Otiawa vs. Perkins, 94 U. S., 269; Doon Township vs. Cumplings, supra; Daviess County vs. Dickinson, 117 U. S., 557, 655; Lewis vs. City-of Shreveport, 168 U. S., 282; Township of East Oukland vs. Skinner, 94 U. S., 255; Lake County vs. Graham, 120 U. S., 676.

The judgment of the court below will be reversed, and this cause will be remanded with instructions to set aside the order awaiting a writ of mandamus, and

then dismiss the complainant's bill.

A POPULAR MAN.

The New President of the Southern Express Company. (Savannah Morning News.)

The election of M. J. O'Brien to the presidency of the Southern Express Company, to succeed the late Henry B. Plant, and was one of Mr. Plant's closest advisers in all those frequent conferences by which the owners of great properties are guided in shaping the destinies of against the Commissioners of Oxford to more picturesque instance of a man growing up with a great enterprise which he in his daily toll was all the time helping to build. Mr. O'Brien, as a young man, terest on certain bonds, as shown by coupons then in the possession of the plaintiff, and also to compel the defendto build. Mr. O'Brien, as a young man, became associated with the express comant, by mandamus, to levy taxes and pay pany of which he has just been made the

> Born in Baltimore in 1838, he first started life as a clerk in a printing nouse. Not long after he served for awhile as clerk in a drugstore. But these lines of business was too lethargic, too somnolent for the wide-awake, athletic young man, and he determined to start in an humble role in the express business, which to him at that time (and very correctly, too.) seemed to be the business most vigorous of growth and most far-reaching in the great work of building up the commerce of the thriftiest republic of the world. His indemitable energy and stubborn resolu-tion to succeed soon caused the higher officers of the Southern Express Company to find him out, and the late Henry B. Plant, who had been the pioneer in netting the southern country with express lines, ordered Mr. O'Brien from Memphis to New Orleans to become cashier there This was just prior to the civil war, and when the clouds of civil strife eventually lowered and the flush of war was on throughout the South, Mr. O'Brien responded as a volunteer in the service of the Confederate navy. He served under Commodore Poindexter until his fleet was destroyed to prevent capture by the Federal navy, and then reported to the Sec retary of the Navy of the Confederacy at Richmond for further duty.

Instead of being sent again upon the high sens, he was, at the request of Mr. Memminger, Secretary of the Confederate Treasury, sent to resume connection with the express company, which at that trying period in the South's history was system of vital arteries indeed, for it was season when quick transportation fa-

cilities were of greatest need. When Sherman had swept Atlanta almost from the face of the earth in his march to the sea, M. J. O'Brien was one of those left there in the Southern Express Company's office, but he soon went from there to Augusta to become confidential cierk of the late Henry B. Plant, who was then president of this im-portant part of the South's scattered in-

this suit, had sued the defendants below in the Superior Court of Granville coun-Thus Mr. O'Brien has been with the Southern Express Company from the time it rocked the eradle of the new South's infant commerce, and ever since the trying ordeal of civil strife has been close to the affairs of the president's office. He was chosen general superintendent by Mr. Plant himself, and then became the active man of business living. ported as Union Bank vs. Commissioners of Oxford, 116 N. C., 339, and 119 N. C., 214. o compel the commissioners of the town f Oxford to levy taxes to pay the interbecame the active man of business, living a most vigorous life, travelling all through the southern country building up the company's interests, establishing lines over all the thousands of miles of rail-Ourring the second that in the Edge Court it was shown that, on the passage of said act in the House of Representatives, it passed its second and third readings on the same day, and that the yeas and nays were not entered on the journal on either of said readings. The Superior tracts from various States—and, in fine, second and the same that it is the year system for Mr. Plant Court held that, nevertheless, the bonds were valid, and a verdict was directed creating the vast system for Mr. Plant which, at the time of the latter's death the plaintiff, on which a judgment covered well nigh 20,000 miles of railway the amount claimed was rendered. in the South, and linking every important The defendant appealed, and the Supreme town and village from Texas to Virginia fourt reversed said judgment, holding hat the bonds were absolutely void, and accepable of ratification. When the cer-

reached the court below (United States Circuit Court) the plaintiff voluntarily submitted to a non-suit, and then instituted the suit now considered, declaring on the same coupons sued on in the State Court, and also on on the same coupons sued on in the State court, and also on others, that had become due after the beginning of the first appointed to aid him in the work Mr. suit. The case was regularly brought on for a hearing when the court below enship companies to accept tiff for \$4,329, the full amount due on the places in their management, but has always declined them, preferring to remain in his chosen line of work and with the system with which he lived.

LIFE AT THE SUMMER REST,

The New Building Filled All the Time-liow Time Passes.

A lady who is spending a week or two it "Summer Rest," near Greenwood The Circuit Court of Appeals reaffirms its decision in the Stanly county case, discusses the points involved at some writes the Dispatch the following interesting letter about life at that noble in The friends of Summer Rest would be

The friends of Summer Rest would be pleased to know that this noble institution has far surpassed their most canguine expectations. The full capacity of our new home is thirty-two guests, and at present our genful and happy family numbers thirty, not counting our host and hostess, Mr. and Mrs. Barksdale. Nearly every day seme one goes away, after having enjoyed a most delightful rest and recreation, and new arrivals come in to fill up the ranks. And we know that if the noble band of self-supporting women of Richmond know what a lovely home they have, nestling cosily on the side of the Blue Ridge, far away from the heat and noise of the city, they would throw off business cares for two weeks and come and feast their eyes on God's most beautiful handlwork.

As we sit on our large veranda and enjoy the cool breezes, with the pure exhibitant winds of Heaven faining our cheeks, gazing on the grand old Blue Blate. joy the cool breezes, with the pure exhibitarating winds of Heaven fanning our cheeks, gazing on the grand old Blue Ridge, we forget there is such a thing as the hurry and bustle of business life, and are only brought back to stern reality by the occasional passage of trains, as they sweep along on the mountain side above us. We are proud of our home; there is not a loveller or better appointed hotel, with a finer culinary department, at any of the ordinary summer resorts, and we have the finest host and hostses to be found. No one could make curstay more pleasant.

During the day we read and sleep and ramble around among Nature's beauties, and after tea we have music and dancing and all kinds of games, which make the time pass very rapidity. All cures are thrown to the winds, and we are simply reveiling in luxurious rest, getting strength for life's duties again. Not least among the pleasures of the day is the arrival of the Richmond papers. This reminds us that life is not all dreamy biles, and keeps us in touch with the outside world.

A Whooping-Cough Party.

the controversy by issuing, under raid enactments, bonds of the character therein described to the amount of \$20.00. That offer was accepted by the railroad company, and the compromise agreement was signed, the consent judgment entered, and the bonds issued. The validity of the legislation insule. on parties in Peoria recently, but the first whooping-cough party in this vicinity was given by Miss Luthy, the 14-year-old daughter of Mr. and Mrs. C. Milton Luthy, at their home, 914 Sanford street. For ter days Miss Luthy has suffered with the whooping-cough, and all her companions were similarly afflicted. Yesterday Miss Luthy invited seventeen of them to her home, and, though all were whooping, they had a splendid time. The menu for dinner included daintles for convales-

To Cleanse the System

did not make it valid. If the town had not the power to issue the bonds, the consent of its Board of Commissioners to the compromise agreement would not cure that defect. Kelly vs. Milân, 127 U. St. 139; Doon Township vs. Cummings, 142 U. S., 366, 376; Norton vs. Shelby county, 1817 S. 405, 431, 459 effectually get gently, when distive or bilious, to permanently overcome habit-ual constipation, to awaken the kidneys It. S., 365, 376; Norton vs. Shelpy county, 118 U. S., 425, 451, 452.

The Board of Commissioners of the town of Oxford, cannot, by its action, by its agreement, or consent judgment, or the payment of interest on the bonds, estop that municipality from ascertaining the legal existence or constitutionality of an act of the General Assembly of North

A BLIND MINSTREL.

SAM WESTON WORKED WHEN HIS SIGHT HAD FAILED.

HIS LITTLE DAUGHTER HELPED HIM.

Until He Memorized It.

The man who, from choice or otherwise, almost nightly sits in front of the foot-lights, hearing songs and stories he has often heard before, seldom finds anything in the performance that awakens too-frequent attendance upon such entertainments has surfeited him, and it all seems "stale, flat, and unprofitable." Occasionally, however, there is something that creeps into the performance that touches a responsive chord within him, and makes him forget just then the mimic stage, with all its glitter and tiacolossal industries. Never was there a sel, as his thoughts dwell upon some of more picture sque instance of a man grow- real life which have been conjured in his mind. Sometimes it is a song that car-ries him away from the light-hearted au-dience—a plaintive melody that bears him off, and leaves him amid surroundings which have almost been forgotten, but which now, as he hears the sweet voice of the singer, are brought before him until he seems to live again days gone beyond recall. Again, it is a face he sees, a countenance so different from those which usually appear on the other side of the foot-lights, that instantly a strange interest is awakened as to this man, woman, or child, whose lot lies in other paths than his.

I was sitting last week in one of the front-row seats at the Roof Garden, when just such a face appeared, and my attention was immediately attracted to its owner, and for some minutes my eyes were for the stage alone. A dark-haired girl, seemingly 12 or 13 years of are made girl, seemingly 12 or 13 years of age, ma her entrance, carrying in her hand a violin. She was clad in a plain red dress, cheap in its texture, her shoes were broken, and her hair hung loose upon her shoulders. My nearness to the stage en-abled me to note particularly the expres-sion of the child. There was semething so sad about her face, and the soft, brown eyes had such an earnest look in them, that a hush seemed to come over the entire audience, and I, as did every the entire audience, and I, as did every one, waited for what was to follow. Then her elder sister entered, attired as a boy, and after a few lines between the two the latter seated herself at the piano, which occupied the left of the stage, and the younger girl, resting the violin on her shoulder, commenced to play. The strains were low and dream-like at first, and the soul of the small player seemed to be in her music.

When the violin sole was finished a man with the burnt-cork of the minstrel upon his face entered at the centre door, and the scene was changed from one that was almost pathetic to one of comedy. With the appearance of the black-face comedian the young musician was given the opportunity of "speaking lines," and one, waited for what was to follow. Then

the opportunity of "speaking lines," and this she did in a voice almost as low and

this she did in a voice almost as low and musical as were some of the strains that had come from her violin.

About an hour later, as I sat in the lobby of Ford's Hotel, I saw this same girl leading a gray-haired man, while the one who had impersonated a boy followed close behind, carrying a violin-case in her hand. Then I knew that the man in her hand. Then I knew that the man was blind, and that the sad, sweet-faced girl who led him had in her care a father who was one of those unfortuntes who must see those the second state. who must go through the world in darkness. The man was Sam Weston, at on time a well-known minstrel, and the two girls were his daughters. I made myself known to them, and a few minutes after-ward Mr. Weston was teiling me some of the interesting events of a life twenty-five years of which had been spent upon the stage. As he talked, in his pleasant and interesting way, often turning his sightless eyes to mine, I would never have known that night and day were the same to this man, had he not just in-formed me that such was the case.

"Yes," he said, "I am totally blind. But it has only been in recent I have been denied my sight, Until then I could see as well as you. "When did my sight first begin to fail

me? It was about three and a half years ago: soon after I joined Hoyt's 'A Mil'. white Flag' Company. I knew then that my sight was going, and I have consulted the hest doctors, but none of them could do anything for me. They did not even seem to understand the cause of the failure of my eyes. I went on working, but not a man in that company knew that Sam Weston was going blind. Day by day the light about me became less dis-tinct, and I knew that the end meant

total darkness.
"My eyes soon got so bad that I could not read a new song which Mr. Hoyt gave not read a new song which Mr. Holyt gave me, or some new lines which he added to my part. But I never told them. Flora there (and he indicated by a nod of the head his younger daughter) read the lines to me until I committed them to memory, and then taught me the songs in the same way, playing the airs until I was familiar with the music. I managed to get through that season all right. When the time came next season to join the company for rehearsals I had a struggle with myself. I knew that I had no business to attempt to play longer, and yet I could not make up my mind to stay at home. I didn't let my folks know how really bad off I had gotten."

"It is a wonder to me now how I man "It is a wonder to me now how I managed to get to the depot to take the train," he continued. "I did though, and I joined the company in Chicago, where we opened. I did not have so much trouble on the stage. At odd times, when the members of the company were not around, I would step off the distances. I would count just the number of steps leading from my dressing-room to the stage. Once on the stage, I would have little trouble. That open-I would have little trouble, I could see nothing. One reason that the members of the company did not know the condition I was in was that I was with them very little, except at the

"But the end of it all came in a short We were playing at the Madison e Theatre, New York, and in making a hurried entrance I ran against a chair with such force that it went clear off the stage, and ever into the orchestra. Of course, Mr. Hoyt was wrathy at such a blundering piece of business, and I had to let the cat out of the bag. Then It was all over with me. Mr. Hoyt was very sorry, for he was quite friendly to

The blind minstrel then spoke of his daughter, Flora. She first commenced playing upon the violin, he said, at 6 years of age. "I taught her, myself," said Mr. Weston. "For the past three years," he continued, "she has been attending the National Conservatory of Music, in New York. She has never been on the stage, outside of New York, except when I appeared with her. The two girls sometimes worked together in New York as the Weston Sisters. My home is in New York, you know," he went on to say, "and we all three work there a good deal."

As it was nearing 12 o'clock, my talk The blind minstrel then spoke of his

As it was nearing 12 o'clock, my talk with the blind performer was brought to an end shortly after he had mentioned these facts in regard to the young violinist, and I bade Mr. Weston and his daughters good night. E. B. C. Jr.

THE AUDITORIUM THIS WEEK. Vaudeville for Four Nights; Then

Al. Field's Minstrels. Vaudeville will only occupy the boards at the Auditorium for four nights this week, as on Friday and Saturday Al G. Fields's Minstrels will be the attrac-

BOTH PRONOUNCED INCURABLE.

Pe-ru-na Came to the Rescue and Made Them Strong and Happy.

"I was afflicted for twenty years and did not know what alled me. My husband employed three doctors, but they did me no good. I took different Rinds of medicine, all to no effect. In 185 a from Mary F. Bartholomew, St. Francis of medicine, all to no effect. In 185 a from Mary F. Bartholomew, St. Francis of medicine, all to no effect. In 185 a from Mary F. Bartholomew, St. Francis of medicine, all to no effect. In 185 a from Mary F. Bartholomew, St. Francis of medicine, all to no effect. In 185 a from Mary F. Bartholomew, St. Francis of medicine, all to no effect. In 185 a from Mary F. Bartholomew, St. Francis of medicine, all to no effect. In 185 a from Mary F. Bartholomew, St. Francis of medicine, all to no effect. In 185 a from Mary F. Bartholomew, St. Francis of medicine, all to no effect. In 185 a from Mary F. Bartholomew, St. Francis of medicine, all to no effect. In 185 a from Mary F. Bartholomew, St. Francis of medicine, all to no effect. In 185 a from Mary F. Bartholomew, St. Francis of medicine, all to no effect. In 185 a from Mary F. Bartholomew, St. Francis of medicine, all to no effect. In 185 a from Mary F. Bartholomew, St. Francis of medicine, all to no effect. In 185 a from Mary F. Bartholomew, St. Francis of medicine, all to no effect. In 185 a from Mary F. Bartholomew, St. Francis of medicine, all to no effect. In 185 a from Mary F. Bartholomew, St. Francis of medicine, all to no effect. In 185 a from Mary F. Bartholomew, St. Francis of medicine, all to no effect. In 185 a from Mary F. Bartholomew, St. Francis of medicine, all to no effect. In 185 a from Mary F. Bartholomew, St. Francis of medicine, all to no effect. In 185 a from Mary F. Bartholomew, St. Francis of medicine, all to no effect. In 185 a from Mary F. Bartholomew, St. Francis of medicine, all to no effect. In 185 a from Mary F. Bartholomew, St. Francis of medicine, all to no effect. In 185 a from Mary F. Bartholomew, St. Francis of medicine, all to no effect. In 185 a from Mary F. Bartholomew, St. Francis of medicine, all to no ef



Mrs. M. M. King, Waterloo, N. C.

of the catarrh. I believe Pe-ru-na saved woman free from catarrh is generally a my life. The doctors and all others fail. ed. I can recommend your Pe-ru-na to gans makes more women miserable than ed. I can recommend your Pe-ru-na to gans makes more women miserable all my friends. It is the best medicine in all other diseases combined. the world. You may use my name whenever you please."—Mrs. M. M. King.
Dr. Hartman's free treatment for chronic catarrh has been the means of Sent free for a short time.

octored with several state property of the condition of t

about two years, under the atten four physicians.

I concluded I would write Dr. Hartman for advice. I owe my lite to Dr. Hartman and Pe-ru-na. My friends and neighbors never expected to see me well again. I am now able to assist with my household duties.

I think my reprise to every one who knew prise me. My appetite was so poor I could eat scarce ly anything; but can cat any

bane of woman

Nearly every case of so-called female complains and I took four bottles. I am now well is due to catarrh of the peivic organs.

Remember that cholera morbus, cholera infantum, summer complaint, bilious colle, diarrhoea, and dysentery are each and all catarrh of the bowels. Catarrh is the only correct name for these affections. Pe-ru-na is an absolute specific for these allments, which are so common in summer. Dr. Hartman, in a practice of over forty years, never lost a single case of cholera infantum, dysentery, diarrhoea, or cholera morbus, and his only remedy was Pe-ru-na. Those desiring further particulars should send for a free copy of "Summer Catarrh." Address Dr. Hartman, Columbus, O.

The Al. G. Field Greater Minstrels are

The Al. G. Field Greater Minstrels are announced for an engagement at the Auditorium of two nights, commencing Friday. A matinee on Saturday will also be given. The company seems to be one of unusual excellence. All the scenery and stage effects are new and of the most elaborate kind. The organization is headed by the famed Faust Family of acrobats, in an act entirely new, in which they introduce living representations of ancient and modern statuary. Juggler Everhart, who does so many expert things with his hands, is another Juggler Everhart, who does so many expert things with his hands, is another expert things with his hands, is another feature. Harry Shunk, Tommy Donnelly, Jake Welby, George Kinsbury, Doc. Quigley, and Al. G. Field take care of the comedy portion of the bill. Then, there is a splendid corps of singers, an octette of soloists, including Harry Sheldon, John W. Norton, John Dickens, Reese Prosser, Thomas Crockett, George Hassell, George P. Marshall, E. F. Snell, and a choir of boy voices.

Hyde and Eairman head the dancing contingent, followed by Welby, Pearl,

contingent, followed by Welby, Pearl, Keys, and Master Carroll, the American novelty dancers. Finesbury and Greve, the Genil of musical comedy, and the Nondescript Trio—three athiestic young are the tallest kickers knownmen who are the are also features.

BILL AT MAIN-STREET PARK.

Comedy, in All Its Forms, to Be Presented at That Resort.

Comedy in great variety is the offering at the Main-Street Park this week. The management of the park appreciate the fact that their patrons admire comedy in its best form, and for that reason they have especially booked this bill, which is head-lined by one of the most popular comedy sketches in vaudeville, supported

by other acts of equal merit.

Stinson and Merton come direct from
New York to present for the first time
in the South their laughable farce, entitled "The Nondescript of Nonsense." They are jolly fun-makers, and have been favored more than once by being describ-ed as among the wittlest artists in

Charles E. Grapewin and Anna Chance are to be seen in their delightful comedy, "A Misnamed Pair," in which the character comedian, and his talented associate have received the most pronounced pra The comedy has a well-laid plot, and is said to be both entertaining and interest-

Swan and O'Day have a comedy characswan and o'Day have a comedy character sketch that introduces them in black-face make ups. There the conventional form of the act ends, as their mannerisms and run of jokes are said to be en-

FOUR POUNDS OF FLESH From One Pound of Food.

The statement is made that one pound of Grape-Nuts will supply more nourish ment (that the system will absorb), than ten pounds of meat, wheat, or oats.

A man protested that the claim was extravagant, but upon trial it was found that by leaving off meat altogether at breakfast and lunch, and taking in its place four heaping teaspoons of Grape-Nuts, began to gain flesh and strength, and before the full pound package was gone had gained four pounds in weight, whereas he had been losing on his meat How could be gain four pounds and

only eat one pound of Grape-Nuts? Remember the four teaspoons of Grape-Nuts are but a portion of the meal, but they furnish the predigested and easily assimilated part and help digest other foods, assisting nature in building in water (75 per cent. of all flesh.) In other words, Grape-Nuts furnish the workers, or the active elements of food, in the most perfect condition for nature to make

Grocers furnish Grape-Nuts at 15 cents per package. Made by Postum Cereal Company, Limited, Battle Creek, Mich.

ORGANIZED 1832.

The Virginia Fire and Marine

Insurance Company OF RICHMOND, VA.

Assets.....\$800,000

week, as on Priday and Saturday Al G. Fields's Minstreis will be the attraction.

W. H. PALMER, President.

Orders for printing sent to the Dispute Company will be given prompt attention.

W. H. M'CARTHY, Secretary and the style of were and prices will be sure to please you.

will be up to the usual standard. Magee and Crimmins, talking and dancing comedians, are mentioned first on the bill. Their act is said to be an exceptionally strong one. The Les Vougeres—Leolo strong one. The Les Vougeres—Leolo company the less teason, when they appeared the less than the less teason, when they appeared the less teason is treed to be a company to the less teason, when they appeared the less teason is treed to be a company to the less teason, when they appeared to the less teason is treed to be a company to the less teason. from the fast season, when they appeared on a stellar bill at this park. They are

comedy horizontal-bar performers, and execute some startling feats.

Miss Mand Meredith, a vocalist, is also on the bill, and her singing has been spoken of in other cities with praise.

A matinee will be given on next Saterline

LEXINGTON PERSONALS.

What the People Are Doing in the Rockbridge Capital.

LEXINGTON, VA., August 19 .- (Special.)-President William I. Wilson, of Washington and Lee University, is apending a vacation on the New Jersey coast. Mr. Newman L. Dold attended the Rockingham Horse Show at Harrisonburg this week. Misses Annie and Grace Fuller are at

Atlantic City, with a party of Staunton friends.

Mrs. J. R. Chapman, of Brooklyn, N. Y., is in Lexington, visiting her brother, Mr. R. E. Hutton. Miss Bernard Harvey, of Richmond,

will spend some time here as the guest of Mrs. William B. Blair.
Mrs. Frank G. Rattey and daughter, of Glasgow, Ky., are visiting Mr. and Mrs. Frank T. Glasgow.

- Mrs. James H. Fletcher, of Accoman county, is visiting the family of Mr. Henry H. Myers.

ry H. Myers.

Professor and Mrs. Douglass S. Anderson, of Tulane University, New Orleans, are visiting Mrs. J. R. Anderson.

James Quarles, Esq., of the Louisville Bar, was the guest this week of his parents, Dr. and Mrs. J. A. Quarles, Mr. and Mrs. Carl Shoiz and Mr. Max

guests of Mr. and Mrs. E. H. Barclay this week. Rev. and Mrs. J. H. Griffith, of Moores ville, N. C., arrived in Virginia this week, on a visit to Mr. and Mrs. J. G. Dixon, near Marat,

Sholz of Mammoth W. Va.

Mr. John Crawford and niece, Miss Minnie Crawford, are in Augusta county. visiting relatives.

Mr. R. E. Carter has gone to Newport News, where he will make his home, His

family has been there some time, Judge and Mrs. Beverly R. Wellford and Miss Susie Wellford, of Richmond, are visiting Dr. and Mrs. Henry A. General Scott Shipp and Messrs, B. E.

Vaughan, W. M. McElwee, F. H. Brock-enbrough, and W. K. Graves are off on a visit to Atlantic City.

Judge S. H. Letcher and Mr. E. Moore are in Bath county, enjoying the bass fishing in Cow Pasture river. Friends from Augusta and Bath counties are with them. Mrs. J. E. Heok and Miss Lillie Heck.

of Lexington; Mrs. Alex, Zoliman, of near Lexington, and Mrs. J. B. Heck, of Newport News, are visiting relatives in Al-bemarie county, near Crozet.

Miss Lucy Northern has returned from Asheville, N. C., where she spent the winter with her sister, Mrs. Neptune Buck-Mr. and Mrs. Buckner accompa her home, and are now the guests of Mrs

Mr. W. H. Urquhart, of Richmond, is in Lexington, visiting his brother-in-law, Mr. John W. Haughawout, our vemerable

Dr. John H. Hartman, a graduate of the University College of Medicine, Rich-mond, has opened a dental office in Lexington, in the apartments formerly occupled by the late Dr. John T. Wilson,

To a Picture.

(Written for the Dispatch.) I held in my hand a pictured face Of one who was far from me. Of one who was far, but yet as dear, As throbs of my heart could be. I held in my hand that pictured face,

And thoughts, like the waves that roar And rush with a scream far over the sea, Arose in my heart once more.

I thought of the wealth of love that she Had given so freely to me, Which never, amidst my struggles hard, Had ceased a comfort to be. I thought of the faith, sublime and co

Which naught in this world could sir.
That knew I would rise on stepping stones
And prove to be worthy of her.

O. Annie, ray heart, my sweetheart, dear.
I'll ne'er be the man you thought.
But yet I will love with a love so deep
That it well will deserve thy heart. I never will give to thee a crown Of fame won alone by me. But yet ' will give a heart of love That throbs all alone for thee—

That throbs in the morn, the dewy morn.
When life is all fair and true:
That throbs in the clight, the dreary night.
When sorrow has come to you.

And if you are called away from to to the in the realm of love.

Each throb of my heart will be a prayer that I may see thee above.

—HENRY C. NICHOLAS

Established 1780. DORCHESTER, MASS.

Breakfast Cocoa Costs less than One Cent a cup. Be sure that the Package bears our Trade-Mark.

WALTER BAKER & CO.'S

WALTER BAKER & CO. Limited.

Enghannananananananananana

A Perfect Food. Pure, Nutritious, Delicious.